

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 11-25 are currently active in this case. Claim 1 has been amended, and Claims 21 and 25 have been added by the current amendment. See page 44, lines 6-17 of the specification regarding the changes to Claim 1 and new Claim 25. Regarding new Claim 21, see page 26, lines 10-14 and page 47, lines 27-33. Regarding new Claims 22 and 23, see page 49, lines 5-7. Regarding new Claim 24, see page 24, lines 18-26. No new matter has been added.

In the outstanding Office Action, Claims 11-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Publication No. 09-030893 to Shinpei in view of U.S. Patent 6,902,623 to Gurary et al.; Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinpei in view of Gurary et al. and U.S. Patent Publication No. 2001/0000098 to Fayfield; Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinpei in view of Gurary et al. and U.S. Patent No. 5,164,012 to Hattori; Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,884,009 to Okage in view of Gurary et al.; and Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Okage in view of Gurary et al. and U.S. Patent 6,113,984 to MacLeish.

Briefly recapitulating, the present invention (Claim 11) is directed to a substrate processing apparatus including, among other things, a processing vessel; a heating element that heats a substrate introduced into a processing space to a predetermined temperature; a heater plate mounted on a top plate of a transparent case; and a holding member for holding the substrate at a position spaced from and opposite to the heater plate. The heater plate is arranged to be slightly separated from the top plate. Because of the positional relationship

between the heater plate and the holding member, the substrate can be prevented from warping. Further, even if warping does occur, the substrate can be prevented from contacting the heater plate. See page 25, lines 14-22, page 42, lines 20-29, and page 48, line 30 to page 49, line 4 of the Specification.

Because the heater plate is arranged to be slightly separated from the top plate, even when an internal pressure of the processing vessel changes, or when the heater plate is moved downward due to temperature change, the heater plate may be prevented from contacting with the top plate.

In contrast to the present invention, the abstract of Shinpei teaches that the upper surface of the virtual center of the quartz hood 12 (top plate) is mounted on a susceptor 18 (heater plate). The Shinpei publication does not teach or suggest that there is a separation between the upper surface of the hood 12 and the susceptor 18. The Gurary et al. patent is relied upon in the Office Action for teaching a different feature and is not believed to remedy the deficiency of the Shinpei publication. Further, none of the other applied art is believed to remedy this deficiency.

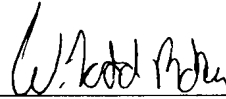
Consequently, Shinpei is not believed to anticipate or render obvious the subject matter defined by Claim 11 when considered alone or in combination with the applied art of record.

Claims 12-25 depend from Claim 11 and are believed to be allowable for at least the same reasons that Claim 11 is believed to be allowable. In particular, regarding Claims 19 and 20, Applicants point out that by rotating the substrate, a uniform heating property of the substrate can be enhanced in a circumferential direction. See page 48, line 19 to page 48, line 29 of the Specification.

In view of the foregoing, no further issues are believed to remain. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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